

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JOSEPH APODACA,  
Plaintiff,  
v.  
W. Z. JENKINS, et al.,  
Defendants.

Case No. 2:23-cv-04527-MWF-PD  
**ORDER DISMISSING ACTION  
FOR FAILURE TO PAY FILING  
FEE AND COMPLY WITH  
COURT ORDERS**

All parties instituting a civil action, suit, or proceeding in a district court of the United States must pay a filing fee. 28 U.S.C. § 1914(a). An action may proceed despite a party's failure to pay the filing fee only if the party is granted leave to proceed *in forma pauperis* under 28 U.S.C. § 1915(a)(1). However, prisoners must still pay the filing fee but may do so through monthly installment payments if granted *in forma pauperis* status. 28 U.S.C. § 1915(b).

On June 8, 2023, Plaintiff, a federal detainee housed at the Metropolitan Detention Center ("MDC") in Los Angeles, California, filed a Complaint with an accompanying request to proceed without prepayment of fees ("Request") and Declaration in Support of Request. [Dkt. Nos. 1-3.] On June 23, 2023, the Court postponed ruling on the Request because it was


1 incomplete: (1) Plaintiff did not submit a certified copy of a trust fund  
2 statement for the last six months; and (2) Plaintiff's Request lacks a  
3 certificate of authorized officer. [Dkt, No. 11.] The Court directed him to  
4 refile a fully completed Request or pay the full filing fee. [*Id.*] The Court  
5 warned that if Plaintiff did not comply within 30 days, the case would be  
6 dismissed without prejudice. [*Id.*]

7 To date Plaintiff has not paid the filing fee, refiled his Request, or  
8 otherwise responded to the Court's order requiring him to do either.

9 Accordingly, Plaintiff's Request is DENIED as incomplete, and this  
10 action is DISMISSED without prejudice. *See, e.g., Deloza v Chakrabarry*,  
11 2023 WL 3010150, at \*1 (C.D. Cal. Apr. 19, 2023) (dismissing § 1983 action  
12 where inmate failed to pay full filing fee or file a complete request for *in forma*  
13 *pauperis* status).

14 IT IS SO ORDERED.

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16 Dated: August 10, 2023.

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19 MICHAEL W. FITZGERALD  
20 United States District Judge  
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